

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-21
SOUTH LAMB LANE SUBDIVISION
FEBRUARY 18, 2021

I. GENERAL INFORMATION

A. Project Description

This office has received a request from Jake Christiansen and Yvonne May on behalf of Karrow Properties, LLC with technical assistance from A2Z Engineering and Sam Cordi Surveying for preliminary plat of 2 residential lots. The subdivision will be served by individual septic systems and existing public water supply. Access to each lot would be directly from Lamb Lane. The property can legally be described as Lot 1 of Assembly of God II Subdivision in Section 1, Township 30 North, Range 22 West P.M.M., Flathead County, Montana.

B. Project Personnel

i. Owner/Applicant

Karrow Properties, LLC
P.O. Box 4147
Whitefish, MT 59937

ii. Technical Representatives

A2Z Engineering
138 E. Center St
Kalispell, MT 59904

Sam Cordi Land Surveying
PO Box 323
Whitefish, MT 59937

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision on March 10, 2021 at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. This space is reserved for a summary of the Planning Board's discussion and recommendation.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to April 2, 2021 which is the end of the 60-working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 19.068 acres in size and is located at 22 & 74 Lamb Lane near Whitefish, MT. The property can legally be described as Lot 1 of Assembly of God II Subdivision in Section 1, Township 30 North, Range 22 West P.M.M., Flathead County, Montana.

B. Subdivision Layout Detail

- | | | |
|----|--|-----------------------|
| 1. | Total Subdivision Acreage: | 19.068 acres |
| 2. | Acreage in Lots (spaces): | 19.068 acres |
| 3. | Acreage in Roads: | 0.866 acres |
| 4. | Total Park/Common Area/Open Space Acreage: | 0 acres |
| 5. | Minimum Lot Size: | 4.75 acres |
| 6. | Maximum Lot Size: | 14.32 acres |
| 7. | Overall Gross Lot Density: | 1 lot per 9.534 acres |

C. Current Land Use and Zoning

The property is zoned 'R-2.5 Rural Residential' which requires a minimum lot size of 2.5 acres and is within the Whitefish Rural Zoning District. The subject property currently contains a single-family dwelling.

D. Proposed Land Use

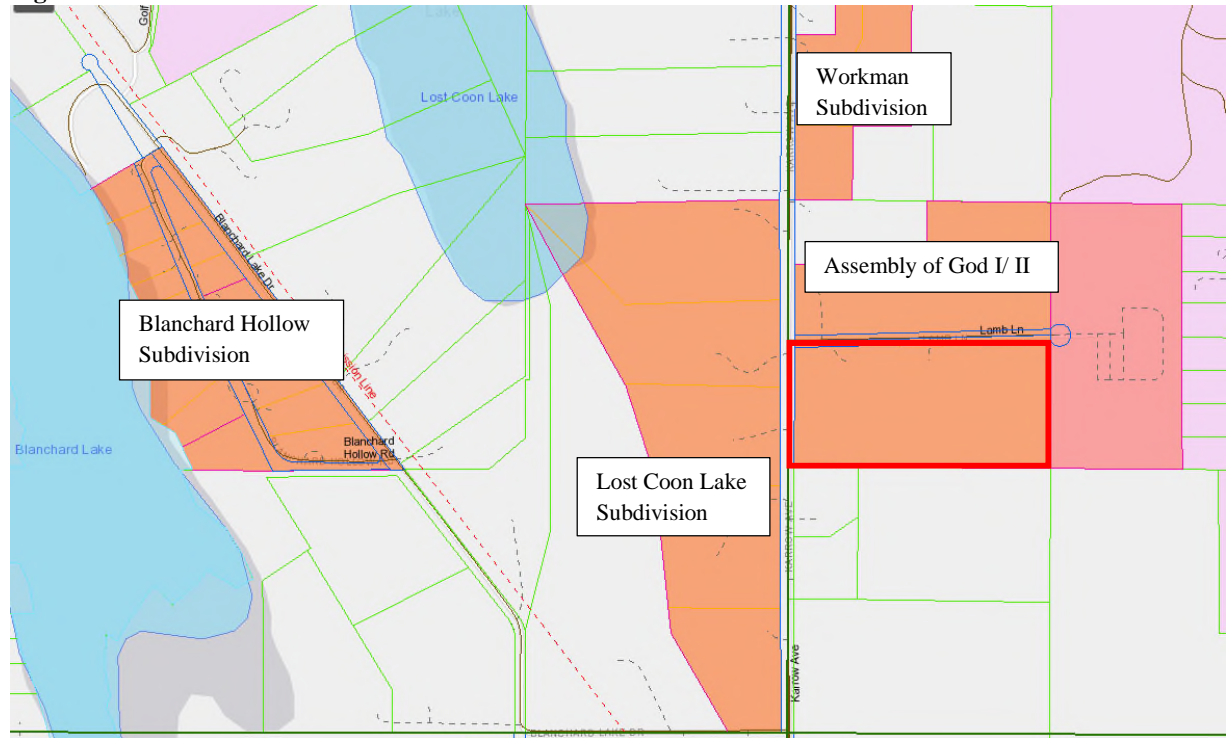
The proposed subdivision would create 2 residential lots along Lamb Lane. The lots range in size from 4.75 to 14.319 acres with the average residential lot size of 9.534 acres.

E. Previously Considered Subdivisions in Area

Existing subdivisions in the vicinity of the proposed subdivision include the Assembly of God Subdivision which divided the original 54 acres lot into two lots in 2002. The Assembly of God II subdivision subdivided the remaining 34 acre parcel, which was divided by Lamb Lane into two lots in 2018. In 2020 North Lamb Lane subdivision was

granted preliminary plat for a 6 lot clustered subdivision. In addition, the Lost Coon Lane Subdivision created 5 residential lots between 6-11 acres in size in 1991, the Workman Subdivision created 3 residential, 2.5-5 acre lots in 2004, and the Blanchard Hollow Subdivision (Phase 1 and 2) consists of a total of 17 lots approximately 1-2 acres in size (1979).

Figure 3 - Area subdivisions



F. Utilities and Services

1. **Water** – Public Supply
2. **Wastewater** – Individual Septic
3. **Electricity** - Flathead Electric Cooperative
4. **Natural Gas** - Northwestern Energy
5. **Solid Waste** – North Valley Refuse
6. **Telephone Service** - CenturyLink
7. **Fire District(s)** – Whitefish Rural Fire District
8. **Police** - Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

Referrals were sent to the following agencies on January 6, 2021:

- Flathead County Sheriff
- Flathead County Solid Waste
- Flathead City-County Environmental Health Department
- Flathead County Weeds & Parks Department
- Flathead County Address Coordinator/GIS Department
- BPA
- Flathead County Road and Bridge Department (EA)

- Whitefish Planning and Zoning Department
- MT Fish, Wildlife and Parks (EA)
- DNRC
- Whitefish School District
- Whitefish High School District
- Whitefish Rural Fire District

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated January 7, 2021.
- Bonneville Power Administration (BPA)
 - Comment: “At this time, BPA does not object to this request, as the property is 0.31 miles away from the nearest BPA transmission lines or structures.” Email dated January 6, 2020.
- Flathead County Environmental Health Department
 - Comment: “The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process. This area is known to have elevated groundwater levels during the spring of the year. Groundwater monitoring season as a part of the DEQ approval process” Letter dated January 15, 2021.
- Montana Fish Wildlife & Parks
 - Comment: “Montana Fish, Wildlife and Parks has no comment on the preliminary plat of 2 residential lots.” Letter dated January 15, 2021.
- Flathead County Solid Waste
 - Comment: “The District requests that all new subdivisions use a private hauler to bring solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. North Valley Refuse is the (PSC) hauler in this area. After reviewing the project summary, I believe that the issue of solid waste disposal has been addressed.” Letter dated January 12, 2021.

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on February 17, 2021 legal notice was published in the Daily Interlake on February 21, 2021 and notice of the proposal and public hearing was physically posted onsite on February 18, 2021.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria and Staff Findings

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

The proposed subdivision is expected to have minimal impacts on agriculture as the property has not been used for agriculture in the past 40 years, is currently covered in trees and meadow, and is located adjacent to Whitefish City limits. The property is zoned R-2.5 which has a minimum lot size of 2.5 acres and while the zone allows for agriculture, the property is located squarely within a primarily residential corridor of R-2.5 and R-3 zoning along Karrow Avenue extending north towards the City of Whitefish. The Environmental Assessment indicates that of the adjacent properties only a couple are used for small-scale hay production. While the adjacent property is zoned WA- Agricultural, the property is utilized by a church. There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property and the property is not located within an agricultural water district or area.

Finding #1 – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision as conditioned because the subject property is not currently used for agriculture, is located adjacent to the City of Whitefish and zoned R-2.5, and the property has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

2. Local Services

i. Water and Wastewater Services

The proposed subdivision will be served by the existing public water system and individual septic systems. The application states, “The residences on both lot 1 and lot 2 are both served by an existing subsequent public water supply called the South Karrow Water User Association. The subsequent public water supply system is supplied by the City of White

fish public water supply system. The existing taps and services connections will remain in the proposed subdivision. The South Karrow Water Association consists of a 3” line that reduces down to 1.5” main extension at 1545 Karrow Avenue property line. They’re then (2) 1” service lines extend onto each lot 1 and lot 2.” The applicants have provided a draft Water Well Agreement and Water Supply System Easement, which includes provisions for a maintenance, repair, and cost of operation.

According to the applicant, “There is an MT DEQ approved COSA for the existing shared sand mound system for wastewater treatment. A complete non degradation analysis has been performed, reviewed and approved by the Montana DEQ subdivision section. The non degradation calculations that were performed cover the proposed

wastewater flows from approved COSA. The subdivision will not alter these flows and therefore they are considered existing under the applicable rules and statutes.

As explained by the Flathead City-County Environmental Health Department, “The proposed subdivision is subject to review under 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process. This area is known to have elevated groundwater levels during the spring of the year. Groundwater monitoring season as a part of the DEQ approval process”

Finding #2 – The subdivision will have minimal impact on water and wastewater services because the subdivision will utilize an existing public system and individual septic systems with adequate easements for water and sewer mains. The proposed wastewater treatment system appears to meet DEQ non-degradation standards, and the water and wastewater treatment proposal will be reviewed and approved by the Flathead City-County Environmental Health Department and DEQ prior to final plat approval.

i. Solid Waste Disposal

The Flathead County Solid Waste District, typically requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill and that the outlying green box sites should not be the primary method of solid waste disposal. The application states the subdivision will utilize North Valley Refuse as a contract hauler.

Finding #3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

ii. Roads

Primary access to the subdivision exists via Karrow Road, a paved County collector road within a 60 foot ROW, with direct access to lots from Lamb Lane, a paved local road within a 60 foot easement that terminates in a cul-de-sac. The preliminary plat materials indicate access to Lots 1 and 2 will be from individual driveways along Lamb Lane and because it's a private road, no approach permits are required.

Finding #4 – Impacts on area roads would appear to be acceptable with the imposition of conditions because the lots would be accessed by Lamb Lane, a paved local road and lots would enter into an already existing Road Maintenance Agreement with Karrow Properties, which would ensure road maintenance is accommodated on the shared road.

iii. Schools

The proposal is located in the Whitefish School District and Whitefish High School District. According to the 2019, Census Data there are 49,531 housing units in Flathead County. The Flathead County Statistical Report of Schools 2020 states there are 16,758 students enrolled in public, private and home schools. The total students (16,758) divided by the total households (49,531) equals approximately 0.33 students per household. Therefore, one additional single family home could

generate approximately 0.33 school age children. No comments were received from the Whitefish School District regarding the proposal.

iv. Mail Delivery

The application and site plan indicate mailboxes will utilize an existing centralized mailbox and the site plan shows the location of a mailbox pullout on Lamb Lane near the intersection with Karrow Avenue. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of final plat approval.

v. Recreation

Pursuant to Section 4.7.24(a)(iv) FCSR, parkland dedication is not required for subdivisions that create only one additional lot. The subdivision would only create one additional lot so parkland dedication would not be required.

The subdivision offers many recreation opportunities given its proximity to Whitefish Mountain, Glacier National Park and National Forest lands for hiking, camping, and hunting, and area lakes and rivers for swimming, fishing, and boating.

The Flathead County Trails Plan designates Karrow Avenue as proposed collector, and a bicycle and pedestrian easement is already granted for future use along the west side of the subject properties, running parallel to Karrow Avenue, in accordance with Section 4.7.19 of the subdivision regulations.

Finding #5 – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add one additional lot, the applicant is proposing to utilize existing central mailboxes, no parkland dedication is required and a bike and pedestrian easement is already existing.

3. Public Health And Safety

i. Storm Water Drainage

According to the environmental assessment, “The approved plan made use of detention swales to store water in larger storms and allow them to flow off site at no greater than pre development flows. The subdivision will use the existing approvals for the developments on site and those will not be revised in this subdivision thereby remaining exempt from DEQ.”

Finding #6 – Impacts from storm water run-off will be acceptable because the applicants have proposed to use existing bioretention facilities along Lamb Lane, new driveway, a new residential structure and the stormwater management plan will require review and approval by the DEQ prior to final plat approval.

ii. Fire/Emergency Medical Services

The proposed subdivision is located within the jurisdiction of the Rural Whitefish Fire District and would be served by the District and the Flathead County Sheriff’s Department in the event of an emergency. The closest fire station located on Flathead Avenue approximately 2.5 road miles from the subject property. There was no comment from the Whitefish Fire Department

The property is located within the Wildland Urban Interface and is designated as a County-wide priority area. The property is not located within a fire district priority area. The application includes a Fire Prevention, Control, and Fuels Reduction Plan which appears compliant with requirements outlined in FCSR 4.7.27(b). The plan identifies the property is currently forested, although thinned in 2000, and additional thinning would be completed within the building envelopes if required.

In order to comply with FCSR Section 4.7.27, notes A through D of FCSR Section 4.7.27(a)(ii) should be required to be placed on the face of the Final Plat. It is anticipated the public health and safety risk as a result of wildfire could be relatively low for the proposed subdivision as the subdivision has good access, will undergo further fuels reduction if required and is located relatively close to emergency service provider stations.

Finding #7 – Impacts on fire and medical services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Whitefish Fire Department in the event of an emergency, would be required to meet the requirements of the fire district and the area located within the WUI will be managed and thinned as noted in the Fire Prevention, Control, and Fuels Reduction Plan.

iii. Police Services

The proposed subdivision is located near an urban area of Flathead County and will be served by the Flathead County Sheriff's Department. The combination of existing staff levels, shift rotations, size of the county, the dispersed nature of the population, and the property's distance from the Flathead County Sheriff's Office in Kalispell may lead to delayed response times in the event of an emergency.

Finding #8 – Impacts on police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff's Department in the event of an emergency.

iv. Impact of Noise

While some noise and vibration will probably result from construction, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

v. Air Quality

Primary access to the subdivision occurs via Karrow Avenue and Lamb Lane, which are both paved roads. The applicant has submitted a "Dust Control Plan" compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #9 - Adverse impacts to air quality and noise are not anticipated with standard conditions as all roads accessing the subdivision are already paved, a Dust

Control Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

vi. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines or high voltage electrical lines on the subject property.

vii. Airport Influence Areas

The subject property is not within an airport influence area.

Finding #10 – The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these hazards.

4. Natural Environment

i. Soils

According to NRCS soils data, soils onsite are generally comprised of Whitefish cobbly silt loam with 0 to 7 percent slopes (Wr), Whitefish cobbly silt loam with 7 to 12 percent slopes (Ws) and Whitefish silk loam with 0 to 3 percent slopes (Wza). The NRCS Web Soil Survey seems to indicate that these soils will not pose limitations for development due to well-drained soils. It is therefore anticipated soils on site would not pose a risk for health and safety for typical residential uses as other area properties and roads similarly situated appear to be developed with adequate stability.

ii. Geologic/Avalanche Hazards

The subject property is relatively flat with a moderate slope in the center of the property. According to the EA submitted with the application materials and confirmed by a staff site visit, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards are present on the subject property.

Finding #11 – No impacts from soils and geological and avalanche hazards are anticipated because the property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

iii. Flora

The Environmental Assessment states, “There are no known critical plant communities that exist on the site. Existing buildings and access roads on Lot 1 as well as proposed buildings sites and existing access road on lot 2 locations have been designed to minimize disturbance of established trees and other native vegetation. The removal or cleanup of vegetation from the site will be limited to the proposed building on lot 2. All thinning of the wooded portions will be undertaken to ensure forest health and promote fire safety in standards set by the Wildland Urban Interface guidelines. To the extent possible, it is proposed to re-

vegetate any areas that are disturbed during construction with onsite scraped 'duff' and native seed mix."

MT FWP includes a statement from Jessy Coltrane, "Montana Fish, Wildlife and Parks has no comment on the preliminary plat of 2 residential lots."

The prevention of noxious weeds is particularly important with regard to construction and development. As such, and pursuant to Section 4.7.25 FCSR, an approved weed control management plan, applicable to all lots, will be required as a condition of approval.

iv. Riparian/Wetland Areas

There would be no impact to riparian or wetland areas because no riparian or wetland areas occur on the subject property.

Finding #12 – No impacts to the flora and riparian/ wetland area are anticipated on the subject property as there are no riparian areas on the property and a weed management plan will be required as a condition of final plat approval.

v. Floodplain

According to FEMA FIRM Panel 30029C1090J, the subject property contains area mapped as unshaded Zone X. Zone X is defined as areas determined to be outside the 0.2% annual chance floodplain.

Finding #13 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the subject property does not contain any land located within a Special Flood Hazard Area.

5. Wildlife and Wildlife Habitat

The Environmental Assessment states, "The mapping from the Montana National Heritage Program – (Important Bird Areas and Important Plant Areas) shows that there are none present on this property. Also in the following map by MT FWP in cooperation with Montana Heritage Program mapping, the subject property has not been "deemed" necessary for study, and thus rates as unranked for habitat species of concern. As such, there is minimal impact to Endangered or threatened species because they are not present or do not use the proposed subdivision as a critical habitat.

Larger acreage lots keep open space for wildlife habitat. The subdivision will be compromised of large acreage lots. Proposed lot 1 is 14.32 acres and proposed lot 2 being 4.75 acres. Layout of building structures will be kept in proximity to each other resulting in less impact on wildlife habitat. The eastern space on lot 2 will be kept in denser forest cluster to provide shelter for wildlife."

Any type and scale of development can be expected to have an impact on wildlife in some way, particularly when it is located in a forested area of the County. However while the presence of humans and their daily activities including the keeping of domestic pets has a direct impact on wildlife, the CC&R's include standard language requested by the MT Fish, Wildlife and Parks recommendations for development. MT FWP comment includes a statement from Jessy Coltrane, "Montana Fish, Wildlife and Parks has no comment on the preliminary plat of 2 residential lots."

Finding #14 – Impacts from the proposed subdivision on wildlife appear to be acceptable with conditions because even though the property contains habitat for wildlife, the proposed subdivision is located adjacent to an urban setting, will have large acre lots and the CC&Rs will include language on safe living with wildlife.

6. Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #15 – The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #16 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

October 8, 2020

ii. Application Deadline Date (6 months from pre-application)

April 8, 2021

iii. Application Submittal Date

December 10, 2020

iv. Completeness Date

December 16, 2020

v. Sufficiency Date

January 6, 2021

vi. Agency Referral Requests Mailing Date

January 6, 2021

vii. Adjacent Property Notification Mailing Date

February 17, 2021

viii. Legal Notice Publication Date

February 21, 2021

ix. On-site Posting of Public Hearing Date

February 18, 2021

Finding #17 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

Finding #18 – The preliminary plat identifies adequate easements for utilities to serve the subdivision, including the public water mains and septic systems. All other easements

associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Finding #19 – Karrow Avenue would provide legal and physical access to Lamb Lane and Lamb Lane would provide legal and physical access to the subdivision lots.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The subject property is not located within an area that is subject to a neighborhood plan.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The property is located within the Rural Whitefish Zoning District and is zoned 'R – 2.5 Rural Residential,' *A district intended for rural, primarily residential areas where larger, estate-type lot sized are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use. The use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural, horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.* [Section 3.43.010 Flathead County Zoning Regulations (FCZR)].

Finding #20 – The proposal generally complies with the Flathead County Growth Policy and the zoning regulations because the proposal conforms to the regulations used in the review of subdivision in Flathead County.

V. SUMMARY OF FINDINGS

Finding #1 – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision as conditioned because the subject property is not currently used for agriculture, is located adjacent to the City of Whitefish and zoned R-2.5, and the property has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

Finding #2 – The subdivision will have minimal impact on water and wastewater services because the subdivision will utilize an existing public system and individual septic systems with adequate easements for water and sewer mains. The proposed wastewater treatment system appears to meet DEQ non-degradation standards, and the water and wastewater treatment proposal will be reviewed and approved by the Flathead City-County Environmental Health Department and DEQ prior to final plat approval.

Finding #3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

Finding #4 – Impacts on area roads would appear to be acceptable with the imposition of conditions because the lots would be accessed by Lamb Lane, a paved local road and lots would enter into an already existing Road Maintenance Agreement with Karrow Properties, which would ensure road maintenance is accommodated on the shared road.

Finding #5 – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would add one additional lot, the applicant is proposing to utilize existing central mailboxes, no parkland dedication is required and a bike and pedestrian easement is already existing.

Finding #6 – Impacts from storm water run-off will be acceptable because the applicants have proposed to use existing bioretention facilities along Lamb Lane, new driveway, a new residential structure and the stormwater management plan will require review and approval by the DEQ prior to final plat approval..

Finding #7 – Impacts on fire and medical services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Whitefish Fire Department in the event of an emergency, would be required to meet the requirements of the fire district and the area located within the WUI will be managed and thinned as noted in the Fire Prevention, Control, and Fuels Reduction Plan.

Finding #8 – Impacts on police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff's Department in the event of an emergency.

Finding #9 - Adverse impacts to air quality and noise are not anticipated with standard conditions as all roads accessing the subdivision are already paved, a Dust Control Plan was provided to mitigate potential issues of dust during construction and impacts of noise are not expected to extend beyond property lines.

Finding #10 – The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these hazards.

Finding #11 – No impacts from soils and geological and avalanche hazards are anticipated because the property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

Finding #12 – No impacts to the flora and riparian/ wetland area are anticipated on the subject property as there are no riparian areas on the property and a weed management plan will be required as a condition of final plat approval.

Finding #13 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the subject property does not contain any land located within a Special Flood Hazard Area.

Finding #14 – Impacts from the proposed subdivision on wildlife appear to be acceptable with conditions because even though the property contains habitat for wildlife, the proposed subdivision is located adjacent to an urban setting, will have large acre lots and the CC&Rs will include language on safe living with wildlife.

Finding #15 – The proposed subdivision will not adversely impact historical features because there are no known historic, archeological, or cultural sites on the subject property.

Finding #16 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #17 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

Finding #18 – The preliminary plat identifies adequate easements for utilities to serve the subdivision, including the public water and septic system mains. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

Finding #19 – Karrow Avenue would provide legal and physical access to Lamb Lane and Lamb Lane would provide legal and physical access to the subdivision lots.

Finding #20 – The proposal generally complies with the Flathead County Growth Policy and the zoning regulations because the proposal conforms to the regulations used in the review of subdivision in Flathead County.

VI. CONCLUSION

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Whitefish Rural Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR]
10. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
11. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the

- house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - i. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - ii. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - iii. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR]
 - iv. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - v. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR]
 13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 16]
 14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
 15. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
 16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
 17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. A 15-foot bike/pedestrian path easement of shall be shown on the face of the final plat along Karrow Avenue. [Sections 4.7.19 FCSR]

19. Actions called for in the 'Fire Prevention Control and Fuels Reduction Plan' shall be implemented prior to the approval of the Final Plat. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for the subdivision. [Section 4.7.27(b)(iii) FCSR]
20. The following statements shall be placed on the face of the Final Plat:
 - vi. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A), FCSR]
 - vii. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B), FCSR]
 - viii. Firewise defensible space standards shall be incorporated around all RV spaces, primary structures and improvements.
 - ix. All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in height per number. [Section 4.7.27(a)(ii)(C), FCSR]